(72)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH: Hon'ble Shri S.R. Nayak, CJ

Writ Petition No. 33 OF 2006

PETITIONER

Ms. Jagatpal Singh
Through one of the partner, Jagatpal Singh S/o- Shri Harinarayan Singh aged about 54 years R/o T-5 Adarsh Nagar Durg Distt. - Durg (C.G.)

Versus

RESPONDENTS

1. State of Chhattisgarh
   Through : Secretary Public Works Department D.K.S. Bhawan Raipur (C.G.)
2. Engineer in Chief P.W.D. Office at Civil Lines Raipur (C.G.)
3. Chief Executive Engineer P.W.D. Khairagarh Division Khairagarh Distt. Rajnandgaon (C.G.)
4. Superintendent Engineer PWD Durg Circle - Durg (C.G.)

Present:

Smt. Hamida Siddique, learned counsel for the petitioner.

Shri Yashwant Singh, learned Govt. Advocate for the State.

ORAL ORDER
(Passed on 6th of January 2006)

The impugned order cannot be sustained in law for reason of flagrant violation of the principles of natural justice and fair play in action. The petitioner is blacklisted from participating in tender process for a period of one year by the Engineer in Chief, P.W.D., Khairagarh, Division Khairagarh, District Rajnandgaon, the second respondent herein, on the alleged ground that the quality of the work carried out by the petitioner in the previous contract was not upto the mark and that the petitioner does

not fulfill the conditions prescribed additional special conditions of NIT. The impugned order was made admittedly without notice to the petitioner and without giving any opportunity to the petitioner to have her say in the matter. The Supreme Court in the case of **M/s. Erusian Equipment and Chemicals Ltd. Vs. State of West Bengal and another**[1] and other judgments to follow, has opined that blacklisting of a person from participating tender process has a civil consequence and, therefore, affected person should be heard in the matter before blacklisting. That law has been violated. I am at a loss to understand how the second respondent could blacklist the petitioner though the law was well settled decades back. It only shows that the second respondent, who is holding a very important public office, is oblivious of law of the land. This cannot be countenanced. On that short ground, the writ petition is allowed and the impugned order is quashed. However, this order shall not come in the way of the respondents-authorities, if they so desire, to take appropriate steps to blacklist the petitioner strictly in accordance with law and principles of natural justice. No costs.

Sd/-
The Chief Justice